

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Khatwani et al.**

Serial No.: **09/579,256**

Filed: **May 25, 2000**

For: **Method and System for
Incorporation of Graphical Print
Techniques in a Web Browser**

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Group Art Unit: **2176**

Examiner: **Bashore, William L.**

Attorney Docket No.: **AUS000195US1**

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that “the appeal brief filed on January 23, 2007 is considered non-compliant because the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal”. A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Notification of Non-Compliant Appeal Brief dated May 30, 2007, please reconsider the holding of non-compliance as follows:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on May 30, 2007, was held defective because the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. The Notification of Non-Compliant Appeal Brief states that claim 70 is a means claim. Accordingly, Appellant's concise explanation of claim 70 (page 15-16 of the brief) does not contain any reference to the drawings.

In order to address the Examiner's concerns, a Supplemental Appeal Brief is submitted herewith. It is respectfully submitted that the Supplemental Appeal Brief filed herewith is in compliance with 37 C.F.R. § 41.37. Appellant respectfully requests that the Supplemental Appeal Brief be entered.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: June 20, 2007

Respectfully submitted,

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	§	Group Art Unit: 2176
Serial No. 09/579,256	§	
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SUPPLEMENTAL APPEAL BRIEF (37 C.F.R. 41.37)

This supplemental appeal brief is in furtherance of the Reinstatement of Appeal, filed in this case on December 12, 2006, and in response to the Notice of Non-Compliant Appeal Brief dated May 30, 2007.

No fees are required for the filing of this Supplemental Appeal Brief. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation of Armonk, New York.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-7, 9-17, 19-25, 27-37, and 39-70.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 8, 18, 26, and 38.
2. Claims withdrawn from consideration but not canceled: NONE.
3. Claims pending: 1-7, 9-17, 19-25, 27-37, and 39-70.
4. Claims allowed: NONE.
5. Claims rejected: 1-7, 9-17, 19-25, 27-37, and 39-70.
6. Claims objected to: NONE.

C. CLAIMS ON APPEAL

The claims on appeal are: 1-7, 9-17, 19-25, 27-37, and 39-70.

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1:

The present invention provides a method in a web browser on a data processing system for processing a document. (Specification, page 20, line 26, to page 21, line 3) The present invention receives a first web document including formatting information used to display the first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention receives a request to present a selected portion of the first web document. (Specification, page 19, lines 5-16) The present invention identifies formatting information associated with the selected portion of the first web document. (Specification, page 22, line 27, to page 23, line 2 and page 23, line 6, to page 26, line 10) The present invention creates in the web browser a second web document including the selected portion and the formatting information associated with the selected portion, in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5) The present invention inserts virtual font indicators before and after text within the selected portion in response to a request to change a font attribute of the selected portion. (Specification, page 27, line 26, to page 28, line 13) The present invention inserts at least one virtual page break indicator within the selected portion in response to a request to identify a page break in the selected portion. (Specification, page 31, lines 6-21)

Independent claim 13:

The present invention provides a method in a web browser on a data processing system for processing a document. (Specification, page 25, line 31, to page 26, line 10) The present invention receives a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention receives a request to change a font attribute of a selected portion of the first web document. (Specification, page 19, lines 17-29) The present invention creates in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request

to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents. (Specification, page 27, line 10, to page 29, line 3)

Dependent claims 14, 22, 54, and 57:

The present invention provides for the step of creating the second web document includes inserting virtual font indicators before and after text within the selected portion. (Specification, page 21, lines 27-30)

Dependent claims 16, 24, 55, and 58:

The present invention provides for the output device is a display device, the selected portion being displayed according to the virtual font indicators. (Specification, page 21, line 30, to page 22, line 2)

Dependent claim 30:

The present invention provides for the step of creating the second web document comprises creating a copy of the first web document and changing the font attribute of the selected portion within the copy of the first web document. (Specification, page 26, lines 13-15)

Dependent claim 31:

The present invention provides for the step of creating the second web document comprises changing the font attribute of the selected portion within the first web document to create the second web document. (Specification, page 26, line 16, to page 27, line 9)

Independent claim 32:

The present invention provides a method in a web browser on a data processing system for processing a document. (Specification, page 29, lines 4-16) The present invention receives a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention receives a request to display page break indicators within the first web document. (Specification, page 20, lines 7-15) The present invention identifies page break information for the first web document for an output device. (Specification, page 30, lines 25-30) The present invention creates in the web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page breaks, wherein the first web document and the second web document are markup language documents. (Specification, page 30, line 30, to page 31, line 21)

Independent claim 47:

The present invention provides a method in a web browser on a data processing system for processing a document. (Specification, page 20, line 26, to page 21, line 3) The present invention receives a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention receives a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document. (Specification, page 19, line 5, to page 20, line 15) The present invention creates in the web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5)

Independent claim 48:

The present invention provides an apparatus for processing a document. (Specification, page 20, line 26, to page 21, line 3) The present invention provides receiving means for receiving a first web document including formatting information used to display the first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides receiving means for receiving a request to present a selected portion of the first web document. (Specification, page 19, lines 5-16) The present invention provides identifying means for identifying formatting information associated with the selected portion of the first web document. (Specification, page 22, line 27, to page 23, line 2 and page 23, line 6, to page 26, line 10) The present invention provides creating means for creating in a web browser a second web document consisting of the selected portion and the formatting information associated with the selected portion in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5) The present invention provides, responsive to a request to change a font attribute of the selected portion, inserting means for inserting virtual font indicators before and after text within the selected portion. (Specification, page 27, line 26, to page 28, line 13) The present invention provides, responsive to a request to identify a page break in the selected portion, inserting means for inserting at least one virtual page break indicator within the selected portion. (Specification, page 31, lines 6-21)

The means recited in independent claim 48, as well as dependent claims 49-52, may be data processing hardware within server **104** or clients **108, 110, and 112** in **Figure 1** operating under control of software performing the steps described in the specification at page 17, line 7 to page 20, line 25; page 22, line 22, to page 25, line 30; page 27, line 10, to page 29, line 3; and page 30, line 25, to page 31, line 21, or equivalent.

Independent claim 53:

The present invention provides an apparatus for processing a document. (Specification, page 25, line 31, to page 26, line 10) The present invention provides receiving means for

receiving a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides receiving means for receiving a request to change a font attribute of a selected portion of the first web document. (Specification, page 19, lines 17-29) The present invention provides creating means for creating in a web browser a second web document from the first web document, wherein the font attribute of the selected portion within the second web document is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents. (Specification, page 27, line 10, to page 29, line 3)

The means recited in independent claim 53, as well as dependent claims 54-59, may be data processing hardware within server **104** or clients **108**, **110**, and **112** in **Figure 1** operating under control of software performing the steps described in the specification at page 17, line 7 to page 20, line 25 and page 27, line 10, to page 29, line 3, or equivalent.

Independent claim 60:

The present invention provides an apparatus for processing a document. (Specification, page 29, lines 4-16) The present invention provides receiving means for receiving a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides receiving means for receiving a request to display page break indicators within the first web document. (Specification, page 20, lines 7-15) The present invention provides identifying means for identifying page break information for the first web document for an output device. (Specification, page 30, lines 25-30) The present invention provides creating means for creating in a web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page breaks, wherein the first web document and the second web document are markup language documents. (Specification, page 30, line 30, to page 31, line 21)

The means recited in independent claim 60, as well as dependent claims 61-63, may be data processing hardware within server **104** or clients **108**, **110**, and **112** in **Figure 1** operating

under control of software performing the steps described in the specification at page 17, line 7 to page 20, line 25 and page 30, line 25, to page 31, line 21, or equivalent.

Independent claim 64:

The present invention provides an apparatus for processing a document. (Specification, page 20, line 26, to page 21, line 3) The present invention provides receiving means for receiving a first web document including a header. (Specification, page 16, line 22, to page 17, line 6) The present invention provides receiving means for receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document. (Specification, page 19, line 5, to page 20, line 15) The present invention provides creating means for creating in a web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5)

The means recited in independent claim 64 may be data processing hardware within server **104** or clients **108, 110, and 112** in **Figure 1** operating under control of software performing the steps described in the specification at page 17, line 7 to page 20, line 25; page 22, line 22, to page 25, line 30; page 27, line 10, to page 29, line 3; and page 30, line 25, to page 31, line 21, or equivalent.

Independent claim 65:

The present invention provides a computer program product in a computer readable medium for processing a document. (Specification, page 20, line 26, to page 21, line 3) The present invention provides instruction means for receiving a first web document including formatting information used to display the first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides instruction means for receiving a request to present a selected portion of the first web document. (Specification, page 19, lines 5-16) The

present invention provides instruction means for identifying formatting information associated with the selected portion of the first web document. (Specification, page 22, line 27, to page 23, line 2 and page 23, line 6, to page 26, line 10) The present invention provides instruction means for creating in a web browser a second web document consisting of the selected portion and the associated formatting information in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5) The present invention provides, responsive to a request to change a font attribute of the selected portion, instruction means for inserting virtual font indicators before and after text within the selected portion. (Specification, page 27, line 26, to page 28, line 13) The present invention provides, responsive to a request to identify a page break in the selected portion, instructions for inserting at least one virtual page break indicator within the selected portion. (Specification, page 31, lines 6-21)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 65 given **Figures 7, 11, 15, and 18** and the corresponding description at page 17, line 7 to page 20, line 25; page 22, line 22, to page 25, line 30; page 27, line 10, to page 29, line 3; and page 30, line 25, to page 31, line 21, without undue experimentation.

Independent claim 66:

The present invention provides a computer program product in a computer readable medium for processing a document. (Specification, page 25, line 31, to page 26, line 10) The present invention provides instruction means for receiving a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides instruction means for receiving a request to change a font attribute of a selected portion of the first web document. (Specification, page 19, lines 17-29) The present invention provides instruction means for creating in a web browser a second web document from the first web document, wherein the font attribute of the selected portion within the second web document is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web

document and the second web document are markup language documents. (Specification, page 27, line 10, to page 29, line 3)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 66 given **Figures 7 and 15** and the corresponding description at page 17, line 7 to page 20, line 25 and page 27, line 10, to page 29, line 3, without undue experimentation.

Independent claim 67:

The present invention provides a computer program product in a computer readable medium for processing a document. (Specification, page 29, lines 4-16) The present invention provides instruction means for receiving a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides instruction means for receiving a request to display page break indicators within the first web document. (Specification, page 20, lines 7-15) The present invention provides instruction means for identifying page break information corresponding to the first web document. (Specification, page 30, lines 25-30) The present invention provides instruction means for creating in a web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page breaks, wherein the first web document and the second web document are markup language documents. (Specification, page 30, line 30, to page 31, line 21)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 67 given **Figures 7 and 18** and the corresponding description at page 17, line 7 to page 20, line 25 and page 30, line 25, to page 31, line 21, without undue experimentation.

Independent claim 68:

The present invention provides a computer program product in a computer readable medium for processing a document. (Specification, page 20, line 26, to page 21, line 3) The present invention provides instruction means for receiving a first web document. (Specification, page 16, line 22, to page 17, line 6) The present invention provides instruction means for receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document. (Specification, page 19, line 5, to page 20, line 15) The present invention provides instruction means for creating in a web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5)

A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 68 given **Figures 7, 11, 15, and 18** and the corresponding description at page 17, line 7 to page 20, line 25; page 22, line 22, to page 25, line 30; page 27, line 10, to page 29, line 3; and page 30, line 25, to page 31, line 21, without undue experimentation.

Independent claim 69:

The present invention provides an apparatus comprising a processor; a memory electrically connected to said processor, the memory having stored therein a program to be executed on said processor for performing the following steps. (Specification, page 20, line 26, to page 21, line 3) The present invention provides for receiving a first web document including. (Specification, page 16, line 22, to page 17, line 6) The present invention provides for receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within

the first web document. (Specification, page 19, line 5, to page 20, line 15) The present invention provides for creating in a web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents. (Specification, page 23, lines 2-5)

The system recited in claim 69 may be a bus system comprised of system bus **212**; I/O adapter **218**; communication adapter **234**, memory comprised of read only memory **216** and random access memory **214**, and central processing unit **210** of **Figure 2** performing the steps described in the specification at page 17, line 7 to page 20, line 25; page 22, line 22, to page 25, line 30; page 27, line 10, to page 29, line 3; and page 30, line 25, to page 31, line 21, or equivalent.

Independent claim 70:

The present invention provides a computer system (**200**) having stored therein a web browser application (**308, 400**). (Specification, page 13, lines 14-23; and **Figures 2, 3, and 4**) The present invention provides interface means (**410**) for allowing the user to interface with the web browser application. (Specification, page 13, lines 24-28; and **Figure 4**) The present invention provides communication means (**420**) for receiving a first web document form a network. (Specification, page 14, lines 5-11; and **Figure 4**) The present invention provides creation and editing means (**430**) for creating a second web document. (Specification, page 14, lines 12-22; and **Figure 4**) Wherein the creation and editing means has a plurality of modes of operation includes: a first mode of operation in which the creation and editing means receives a request from the interface means to present a selected portion of the first web document, identifies formatting information associated with the selected portion of the first web document, and creates in the web browser a second web document consisting of the selected portion and the associated formatting information in response to receiving the request, (Specification, page 22, line 22, to page 25, line 30; and **Figures 6, 11A, and 11B**) a second mode of operation in which the creation and editing means receives a request from the interface means to change a font attribute of a selected portion of the first web document, and creates in the web browser a second web document from the first web document, wherein the font attribute of the selected portion within the second web document is changed in response to receiving the request to change the

font attribute of the selected portion, (Specification, page 27, line 10, to page 29, line 3; and **Figures 15A** and **15B**) and a third mode of operation in which the creation and editing means receives a request from the interface means to display page break indicators within the first web document, identifies page break information corresponding to the first web document, and creates in the web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page breaks, wherein the first web document and the second web document are markup language documents. (Specification, page 30, line 25 to page 31, line 2; and **Figure 18A**)

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to review on appeal are as follows:

A. GROUND OF REJECTION (Claims 13-16, 19-24, 27-31, 53-55, 57-58, and 66)

Whether claims 13-16, 19-24, 27-31, 53-55, 57-58, and 66 are obvious under 35 U.S.C. § 103(a) over *Imielinski* et al. (U.S. Patent Application Publication No. 2002/0013792 A1).

B. GROUND OF REJECTION (Claims 1-7, 9-12, 17, 25, 32-37, 39-48, 51-52, 56, 59-65, and 67-70)

Whether claims 1-7, 9-12, 17, 25, 32-37, 39-48,, 51-52, 56, 59-65, and 67-70 are obvious under 35 U.S.C. § 103(a) over *Imielinski* et al. (U.S. Patent Application Publication No. 2002/0013792 A1) and further in view of *Batres* (U.S. Patent No. 6,832,351 B1).

ARGUMENT

A. GROUND OF REJECTION (Claims 13-16, 19-24, 27-31, 53-55, 57-58, and 66)

A.1. Group A: Claims 13, 53, and 66

Claim 13 is representative of the claims in this group and reads as follows:

13. A method in a web browser on a data processing system for processing a document, said method comprising:
receiving a first web document;
receiving a request to change a font attribute of a selected portion of the first web document; and
creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents.

The Examiner uses *Imielinski et al.* that has a filing date of December 28, 2000 and claims benefit of a Provisional Application (Provisional Application No. 60/173,757) which has a filing date of December 30, 1999. Therefore, Appellants respectfully submit only the information disclosed in the Provisional Application may be used as prior art because any added material in *Imielinski* when filed December 28, 2000 does not qualify as prior art. Provisional Application 60/173,757 has been included with this response.

The Examiner alleges:

The standard for evaluating whether a preceding Provisional Application properly supports the subject matter relied upon to make a rejection based on a Non-Provisional Application is whether the subject matter meets the requirements of 35 U.S.C. 112, first paragraph. See, MPEP, 2136.03(III).

The inquiry is not whether a claim limitation in question is taught expressly in the underlying Provisional Application under a 35 U.S.C. 102 analysis, but whether the subject matter cited as prior art is properly supported by the underlying Provisional Application under a 35 U.S.C. 112, first paragraph analysis. Upon a finding that the subject matter in the Non-Provisional Application is properly supported by the underlying Provisional Application, under the 35 U.S.C. 112, first paragraph analysis, then the subject matter is entitled to the benefit of the earlier filing date. Accordingly, the expression of the subject matter in the Non-Provisional Application is also accorded the benefit of

the earlier filing date and citation to the underlying Provisional Application is not necessary.

Regarding the rejections of claims **13-16, 19-24, 27-31, 53-55, 57, 58, and 66**:

Under the standard expressed above, the Examiner believes the rejection of claims 13-16, 19-24, 27-31, 53-55, 57, 58, and 66 under 35 U.S.C. 102(e) to have been proper. The Examiner also recognizes a colorable argument in Applicants' Response to Office action in that the strength of citation to the Non-Provisional Application of *Imielinski* turns on interpretation of whether the subject matter was supported by the prior Provisional Application. Upon consideration of Applicants' arguments, the Examiner withdraws the rejection of claims 13-16, 19-24, 27-31, 53-55, 57, 58, and 66 under 35 U.S.C. 102(e). However, upon further consideration, a new ground of rejection is made under 35 U.S.C. 103(a). Accordingly, Applicants' arguments regarding 35 U.S.C. 102(e) are moot.

Applicants argue that the Provisional Application does not teach the following limitations as recited in independent claim 13: *"receiving a request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language document."* See, Response to Office Action, pages 17 and 18.

Applicant fails to specifically identify which elements of the cited portion of claim 13 are not taught by the Provisional Application. It is believed by the Examiner that the deficiency in the cited prior art related to the limitation "receiving a request to change a font attribute." See, Response to Office Action, page 18.

Since the Applicants quote solely from claim 13, only claim 13 will be addressed, and the response will apply to independent claims 53 and 56, and to dependent claims 14-16, 19-24, 27-31, 54, 55, 57, and 58 by virtue of their dependency on independent claims 13 and 53, according to the relationship argued by the Applicants. It is noted for clarification that the prior art cited against claim 13 was cited from the Patent Application Publication, "*Imielinski*."

Imielinski teaches creating a virtual page or second web document from a first web document using virtual tags. The virtual tags identify the original document content or a selected portion of the original document content for creation of the virtual page. The virtual tags have the ability to manipulate the formatting information, such as font attribute information, in the subsequent web document, called a virtual page by *Imielinski*. *Batres* teaches previewing and printing a web document via an HTML renderer. The content and formatting may be manipulating in the HTML renderer. *Batres* also defines a multiple-page HTML document, which can demarcate HTML document information among a plurality of pages. All limitations of claim 13 are taught in *Imielinski*, except that

the limitation of a “font attribute” is not expressly taught in the Provisional Application. See, Provisional Application, page 5, line 30 through page 6, line 3.

The Provisional Application discusses modification of the text to color it red in order to draw attention to the text. See, Provisional Application, page 2, lines 27-29. The Provisional Application is expressly not limited to the disclosed embodiments, and it is recognized that other arrangements can be readily devised by those skilled in the art.

Modification of the font attribute is expressly taught in *Imielinski*. See, *Imielinski*, fig. 9B, paragraph (0049) [Table 1], paragraph (0067) - (0068), and claims 6, 41, and 74.

It would have been obvious to one of ordinary skill in the art at the time of the invention to change the font in a text. The suggestion or motivation for doing so is taught in the Provisional Application that the tags can be “visualized on the source web page,” with the obvious and beneficial advantage to changing text color or font being to draw the reader’s attention to the text.

35 U.S.C. 112, first paragraph reads as follows:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Appellants agree with the Examiner’s assertion that the Provisional Application must meet with the requirements of 35 U.S.C. 112, first paragraph. Appellants respectfully submit that *Imielinski*’s Provisional Application does not meet with the requirements of 35 U.S.C. 112, first paragraph, in that, *Imielinski*’s Provisional Application does not provide a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same that would teach or suggest receiving a request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents, as recited in claim 13.

In the Provisional Application, *Imielinski* describes tagging portions of web pages by readers of the pages rather than by the page owners. The tags used by *Imielinski* are defined by a combination of context, structure of the page, item lists, and other content defined predicates.

The tags are tied to the page's content through procedural action and descriptive expressions in a unique language. The tags, which are considered virtual because they exist physically apart from the text of the web page they tag, are stored in a virtual tag repository. The virtual tag repository maintains a count of how often each virtual tag has been used and can communicate this information back to the owner of the source page. *Imielinski* also describes virtual active tags that can be used for sending messages about pre-specified changes of the tagged content to the user. Finally, *Imielinski* describes that virtual tags and virtual active tags can be used to set up personalized selections of services for any web site.

The Examiner alleges that *Imielinski* teaches receiving a request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents in the following sections:

We claim:

A system for marking at least a portion of a web page comprising:

(*Imielinski*, Provisional Application, column 5, line 30 to column 6, line 3)

Virtual tags can be virtualized on the source page, presenting the "user interest" distribution on different segments of the page. For example, frequently accessed or referenced areas on the page can be displayed in a different color, i.e. red.

(*Imielinski*, Provisional Application, column 2, lines 27-29)

In these cited sections of the Provisional Application, *Imielinski* describes that a portion of a web page may be marked or virtualized on the source page. The marking on the source page may be in a different color. Thus, *Imielinski* merely uses data that is collected for frequently accessed or referenced areas, to mark on the source page those areas that are frequently accessed or referenced. Appellants respectfully submit that *Imielinski*'s does not teach or suggest receiving a request to **change a font attribute of a selected portion of the first web document**.

Additionally, *Imielinski* does not teach or suggest creating **a second web document** in the web browser **from the first web document**, wherein the font attribute, within the second web

document, of the selected portion is changed **in response to receiving the request to change the font attribute of the selected portion.**

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Since the reference fail to teach or suggest receiving a request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents, the Examiner has failed to establish a *prima facie* case of obviousness, because the Examiner does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

Furthermore, no suggestion is present in the reference to modify the reference to include such features. That is, there is no teaching or suggestion in *Imielinski* that a problem exists for which receiving a request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents, is a solution. To the contrary, *Imielinski* appears to teach using data that is collected for frequently accessed or referenced areas, to mark on the source page those areas that are frequently accessed or referenced.

In view of the above, Appellants respectfully submit that the *Imielinski* fails to teach or suggest the features of claims 13. The other claims in this group are patentable other this cited reference for the same reasons. Accordingly, Appellants respectfully request the rejection of claims 13-16, 19-24, 27-31, 53-55, 57, 58, and 66 under 35 U.S.C. § 103 not be sustained.

A.2. Group B: Claims 14, 22, 54, and 57

Claim 14 is representative of the claims in this group and reads as follows:

14. The method of claim 13, wherein the step of creating the second web document includes inserting virtual font indicators before and after text within the selected portion.

Appellants respectfully submit that the Provisional Application of *Imielinski* does not teach the step of creating the second web document includes inserting virtual font indicators before and after text within the selected portion. As discussed above, *Imielinski* merely inserts virtual tags and virtual active tags that describe a combination of context, structure of the page, item lists, and other content defined predicates. No mention, suggestion, or incentive is present whatsoever in the Provisional Application of virtual font indicators.

In view of the above, the Provisional Application of *Imielinski* fails to teach or suggest the specific features recited in independent claims 13 and 53, from which claims 14, 22, 54, and 57 depend. Accordingly, Appellants respectfully request the rejection of claims 14, 22, 54, and 57 under 35 U.S.C. § 103 not be sustained.

A.3. Group C: Claims 16, 24, 55, and 58

Claim 16 is representative of the claims in this group and reads as follows:

16. The method of claim 15, wherein the output device is a display device, the selected portion being displayed according to the virtual font indicators.

Appellants respectfully submit that the Provisional Application of *Imielinski* does not teach the selected portion being displayed according to the virtual font indicators. As discussed above, *Imielinski* merely inserts virtual tags and virtual active tags that describe a combination of context, structure of the page, item lists, and other content defined predicates. While the virtual tags and virtual active tags of *Imielinski* may be displayed for the owner of the page, the virtual tags and virtual active tags described in the Provisional Application do not include any font information and *Imielinski* does not display any information according to any virtual font indicators.

In view of the above, the Provisional Application of *Imielinski* fails to teach or suggest the specific features recited in independent claims 13 and 53, from which claims 16, 24, 55, and 58 depend. Accordingly, Appellants respectfully request the rejection of claims 16, 24, 55, and 58 under 35 U.S.C. § 103 not be sustained.

A.4. Group D: Claim 30

Claim 30 is representative of the claims in this group and reads as follows:

30. The method of claim 13, wherein the step of creating the second web document comprises creating a copy of the first web document and changing the font attribute of the selected portion within the copy of the first web document.

Appellants respectfully submit that the Provisional Application of *Imielinski* does not teach the step of creating the second web document comprises creating a copy of the first web document and changing the font attribute of the selected portion within the copy of the first web document. As discussed above, *Imielinski* merely inserts virtual tags and virtual active tags that describe a combination of context, structure of the page, item lists, and other content defined predicates. *Imielinski* does not teach creating a copy of a first web document, changing a font attribute of a selected portion within the copy of the first web document, and then creating a second web document.

In view of the above, the Provisional Application of *Imielinski* fails to teach or suggest the specific features recited in independent claim 13, from which claim 30 depends. Accordingly, Appellants respectfully request the rejection of claim 30 under 35 U.S.C. § 103 not be sustained.

A.5. Group E: Claim 31

Claim 16 is representative of the claims in this group and reads as follows:

31. The method of claim 13, wherein the step of creating the second web document comprises changing the font attribute of the selected portion within the first web document to create the second web document.

Appellants respectfully submit that the Provisional Application of *Imielinski* does not teach the step of creating the second web document comprises changing the font attribute of the selected portion within the first web document to create the second web document. As discussed above, *Imielinski* merely inserts virtual tags and virtual active tags that describe a combination of context, structure of the page, item lists, and other content defined predicates. *Imielinski* does not teach changing a font attribute of a selected portion within the copy of the first web document, and then creating a second web document.

In view of the above, the Provisional Application of *Imielinski* fails to teach or suggest the specific features recited in independent claim 13, from which claim 31 depends. Accordingly, Appellants respectfully request the rejection of claim 31 under 35 U.S.C. § 103 not be sustained.

B. GROUND OF REJECTION (Claims 1-7, 9-12, 17, 25, 32-37, 39-48, 51-52, 56, 59-65, and 67-70)

Claim 1 is representative of the claims in this group and reads as follows:

1. A method in a web browser on a data processing system for processing a document, the method comprising:
 - receiving a first web document including formatting information used to display the first web document;
 - receiving a request to present a selected portion of the first web document;
 - identifying formatting information associated with the selected portion of the first web document;
 - creating in the web browser a second web document including the selected portion and the formatting information associated with the selected portion, in response to receiving the request, wherein the first web document and the second web document are markup language documents;
 - responsive to a request to change a font attribute of the selected portion, inserting virtual font indicators before and after text within the selected portion;
 - and
 - responsive to a request to identify a page break in the selected portion, inserting at least one virtual page break indicator within the selected portion.

The deficiency of *Imielinski* has been addressed above. Appellants respectfully submit that the *Imielinski* and *Batres*, taken alone or in combination, fail to teach or suggest the similar features recited in independent claim 1. That is, *Imielinski* fails to teach or suggest receiving a

request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents, as recited in independent claim 13. *Batres* does not make up for the deficiencies of *Imielinski*, as *Batres* fail to teach or suggest receiving a request to change a font attribute of a selected portion of the first web document; and creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents.

In view of the above, Appellants respectfully submit that *Imielinski* and *Batres*, taken alone or in combination, fail to teach or suggest the features of representative claim 1. Thus none of the features in claim 1 found in the other claims of this group are taught or suggested by *Imielinski* and *Batres*, whether taken individually or in combination. Accordingly, Appellants respectfully request the rejection of claims 1-7, 9-12, 17, 25, 32-37, 39-48, 51, 52, 56, 59-65, and 67-70 under 35 U.S.C. § 103 not be sustained.

CONCLUSION

In view of the above, Appellants respectfully submit that claims 1-7, 9-17, 19-25, 27-37, and 39-70 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the rejections set forth in the Final Office Action.

Date: June 20, 2007

Respectfully submitted,

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a web browser on a data processing system for processing a document, the method comprising:

receiving a first web document including formatting information used to display the first web document;

receiving a request to present a selected portion of the first web document;

identifying formatting information associated with the selected portion of the first web document;

creating in the web browser a second web document including the selected portion and the formatting information associated with the selected portion, in response to receiving the request, wherein the first web document and the second web document are markup language documents;

responsive to a request to change a font attribute of the selected portion, inserting virtual font indicators before and after text within the selected portion; and

responsive to a request to identify a page break in the selected portion, inserting at least one virtual page break indicator within the selected portion.

2. The method of claim 1, further comprising sending the second web document to an output device.

3. The method of claim 2, wherein the output device is a printer.

4. The method of claim 2, wherein the output device is a display device.
5. The method of claim 1, further comprising:
 - receiving a request to change a font attribute of a selected portion of the second web document; and
 - creating in the web browser a third web document from the second web document, wherein the font attribute, within the third web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion.
6. The method of claim 5, further comprising:
 - receiving a request to display page break indicators within the third web document;
 - identifying page break information for the third web document for an output device; and
 - creating in the web browser a fourth web document from the third web document, wherein at least one virtual page break indicator is inserted into the fourth web document, in response to the page break information, to indicate the location of page breaks.
7. The method of claim 1, further comprising:
 - receiving a request to display page break indicators within the second web document;
 - identifying page break information for the second web document for an output device;
 - and
 - creating in the web browser a third web document from the second web document, wherein at least one virtual page break indicator is inserted into the third web document, in response to the page break information, to indicate the location of page breaks.

9. The method of claim 1, wherein the formatting information includes tags.
10. The method of claim 1, wherein the markup language is hypertext markup language.
11. The method of claim 10, wherein the formatting information includes hypertext markup language tags.
12. The method of claim 10, wherein the formatting information includes a header.
13. A method in a web browser on a data processing system for processing a document, said method comprising:
 - receiving a first web document;
 - receiving a request to change a font attribute of a selected portion of the first web document; and
 - creating in the web browser a second web document from the first web document, wherein the font attribute, within the second web document, of the selected portion is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents.
14. The method of claim 13, wherein the step of creating the second web document includes inserting virtual font indicators before and after text within the selected portion.

15. The method of claim 14, further comprising sending the second web document to an output device.
16. The method of claim 15, wherein the output device is a display device, the selected portion being displayed according to the virtual font indicators.
17. The method of claim 15, wherein the output device is a printer, the selected portion being printed according to the virtual font indicators.
19. The method of claim 14, wherein the virtual font indicators include tags.
20. The method of claim 14, wherein the markup language is hypertext markup language.
21. The method of claim 20, wherein the virtual font indicators include hypertext markup language tags.
22. The method of claim 13, further comprising identifying at least one font indicator associated with text within the selected portion of the first web document, wherein the step of creating the second web document includes modifying the font attribute of the associated at least one font indicator.
23. The method of claim 22, further comprising sending the second web document to an output device.

24. The method of claim 23, wherein the output device is a display device, the selected portion being displayed according to the modified at least one font indicator.
25. The method of claim 23, wherein the output device is a printer, the selected portion being printed according to the modified at least one font indicator.
27. The method of claim 22, wherein the at least one font indicator includes a tag.
28. The method of claim 22, wherein the markup language is hypertext markup language.
29. The method of claim 28, wherein the at least one font indicator includes a hypertext markup language tag.
30. The method of claim 13, wherein the step of creating the second web document comprises creating a copy of the first web document and changing the font attribute of the selected portion within the copy of the first web document.
31. The method of claim 13, wherein the step of creating the second web document comprises changing the font attribute of the selected portion within the first web document to create the second web document.
32. A method in a web browser on a data processing system for processing a document, the method comprising:

receiving a first web document;
receiving a request to display page break indicators within the first web document;
identifying page break information for the first web document for an output device; and
creating in the web browser a second web document from the first web document,
wherein at least one virtual page break indicator is inserted into the second web document, in
response to the page break information, to indicate the location of page breaks, wherein the first
web document and the second web document are markup language documents.

33. The method of claim 32, further comprising:

removing the at least one virtual page break indicator; and
printing the second web document.

34. The method of claim 32, further comprising:

replacing the at least one virtual page break indicator with at least one forced page break;
and
printing the second web document.

35. The method of claim 32, further comprising sending the second web document to the
output device.

36. The method of claim 35, wherein the output device is a printer.

37. The method of claim 35, wherein the output device is a display device.

39. The method of claim 32, wherein the at least one virtual page break indicator includes a tag.
40. The method of claim 32, wherein the markup language is hypertext markup language.
41. The method of claim 40, wherein the at least one virtual page break indicator includes a hypertext markup language tag.
42. The method of claim 32, wherein the step of creating the second web document comprises creating a copy of the first web document and inserting at least one virtual page break indicator into the copy of the first web document.
43. The method of claim 32, wherein the step of creating the second web document comprises inserting the at least one virtual page break indicator into the first web document to create the second web document.
44. The method of claim 32, wherein the step of identifying page break information comprises sending the first web document to a device driver and receiving page break information corresponding to the first web document from the device driver.
45. The method of claim 32, wherein the device driver is a printer driver.

46. The method of claim 32, wherein the step of identifying page break information comprises identifying the location of at least one page break based on page setup information, document formatting information, and document content.

47. A method in a web browser on a data processing system for processing a document, the method comprising:

receiving a first web document;

receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document; and

creating in the web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents.

48. An apparatus for processing a document, comprising:

receiving means for receiving a first web document including formatting information used to display the first web document;

receiving means for receiving a request to present a selected portion of the first web document;

identifying means for identifying formatting information associated with the selected portion of the first web document;

creating means for creating in a web browser a second web document consisting of the selected portion and the formatting information associated with the selected portion in response to receiving the request, wherein the first web document and the second web document are markup language documents;

responsive to a request to change a font attribute of the selected portion, inserting means for inserting virtual font indicators before and after text within the selected portion; and

responsive to a request to identify a page break in the selected portion, inserting means for inserting at least one virtual page break indicator within the selected portion.

49. The apparatus of claim 48, further comprising means for displaying the second web document.

50. The apparatus of claim 48, further comprising means for printing the second web document.

51. The apparatus of claim 48, further comprising:

means for receiving a request to change a font attribute of a selected portion of the second web document; and

means for creating a third web document from the second web document, wherein the font attribute of the selected portion within the third web document is changed in response to receiving the request to change the font attribute of the selected portion.

52. The apparatus of claim 48, further comprising:

means for receiving a request to display page break indicators within the second web document;

means for identifying page break information for the second web document for an output device; and

means for creating a third web document from the second web document, wherein at least one virtual page break indicator is inserted into the third web document, in response to the page break information, to indicate the location of page breaks.

53. An apparatus for processing a document, comprising:

receiving means for receiving a first web document;

receiving means for receiving a request to change a font attribute of a selected portion of the first web document; and

creating means for creating in a web browser a second web document from the first web document, wherein the font attribute of the selected portion within the second web document is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents.

54. The apparatus of claim 53, wherein the creating means comprises means for inserting virtual font indicators before and after text within the selected portion.

55. The apparatus of claim 54, further comprising means for displaying the second web document, the selected portion being displayed according to the virtual font indicators.

56. The apparatus of claim 54, further comprising means for printing the second web document, the selected portion being printed according to the virtual font indicators.

57. The apparatus of claim 53, further comprising means for identifying at least one font indicator associated with text within the selected portion of the first web document, wherein the creating means comprises means for modifying the font attribute of the associated at least one font indicator.

58. The apparatus of claim 57, further comprising means for displaying the second web document, the selected portion being displayed according to the at least one modified font indicator.

59. The apparatus of claim 57 further comprising means for printing the second web document, the selected portion being printed according to the at least one modified font indicator.

60. An apparatus for processing a document, comprising:
receiving means for receiving a first web document;
receiving means for receiving a request to display page break indicators within the first web document;
identifying means for identifying page break information for the first web document for an output device; and

creating means for creating in a web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page breaks, wherein the first web document and the second web document are markup language documents.

61. The apparatus of claim 60, further comprising:

removing means for removing the at least one virtual page break indicator; and
printing means for printing the second web document.

62. The apparatus of claim 60, further comprising:

replacing means for replacing the at least one virtual page break indicator with at least one forced page break; and
printing means for printing the second web document.

63. The apparatus of claim 60, further comprising means for displaying the second web document.

64. An apparatus for processing a document, comprising:

receiving means for receiving a first web document including a header;
receiving means for receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document; and

creating means for creating in a web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents.

65. A computer program product in a computer readable medium for processing a document, the computer program product comprising:

instruction means for receiving a first web document including formatting information used to display the first web document;

instruction means for receiving a request to present a selected portion of the first web document;

instruction means for identifying formatting information associated with the selected portion of the first web document;

instruction means for creating in a web browser a second web document consisting of the selected portion and the associated formatting information in response to receiving the request, wherein the first web document and the second web document are markup language documents;

responsive to a request to change a font attribute of the selected portion, instruction means for inserting virtual font indicators before and after text within the selected portion; and

responsive to a request to identify a page break in the selected portion, instructions for inserting at least one virtual page break indicator within the selected portion.

66. A computer program product in a computer readable medium for processing a document, the computer program product comprising:

instruction means for receiving a first web document;

instruction means for receiving a request to change a font attribute of a selected portion of the first web document; and

instruction means for creating in a web browser a second web document from the first web document, wherein the font attribute of the selected portion within the second web document is changed in response to receiving the request to change the font attribute of the selected portion, wherein the first web document and the second web document are markup language documents.

67. A computer program product in a computer readable medium for processing a document, the computer program product comprising:

instruction means for receiving a first web document;

instruction means for receiving a request to display page break indicators within the first web document;

instruction means for identifying page break information corresponding to the first web document; and

instruction means for creating in a web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page breaks, wherein the first web document and the second web document are markup language documents.

68. A computer program product in a computer readable medium for processing a document, the computer program product comprising:

instruction means for receiving a first web document;

instruction means for receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document; and

instruction means for creating in a web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents.

69. An apparatus comprising:

a processor;

a memory electrically connected to said processor, the memory having stored therein a program to be executed on said processor for performing the following steps:

receiving a first web document including;

receiving a request to perform an action, wherein the request to perform an action comprises one of a request to present a selected portion of the first web document, a request to change a font attribute of a selected portion of the first web document, and a request to display page break indicators within the first web document; and

creating in a web browser a second web document comprising at least a portion of the first web document in response to receiving the request, wherein the first web document and the second web document are markup language documents.

70. A computer system having stored therein a web browser application, the system comprising:

interface means for allowing the user to interface with the web browser application;
communication means for receiving a first web document from a network;
creation and editing means for creating a second web document, wherein the creation and editing means has a plurality of modes of operation including:

a first mode of operation in which the creation and editing means receives a request from the interface means to present a selected portion of the first web document, identifies formatting information associated with the selected portion of the first web document, and creates in the web browser a second web document consisting of the selected portion and the associated formatting information in response to receiving the request;

a second mode of operation in which the creation and editing means receives a request from the interface means to change a font attribute of a selected portion of the first web document, and creates in the web browser a second web document from the first web document, wherein the font attribute of the selected portion within the second web document is changed in response to receiving the request to change the font attribute of the selected portion; and

a third mode of operation in which the creation and editing means receives a request from the interface means to display page break indicators within the first web document, identifies page break information corresponding to the first web document, and creates in the web browser a second web document from the first web document, wherein at least one virtual page break indicator is inserted into the second web document, in response to the page break information, to indicate the location of page

breaks, wherein the first web document and the second web document are markup language documents.

EVIDENCE APPENDIX

Imielinski et al. (Provisional Application No. 60/173,757)

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.



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09/579,256	05/25/2000	Umesh Gopaldas Khatwani	AUS000195US1	7212

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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/579,256	Applicant(s) KHATWANI ET AL.	
	Examiner William L. Bashore	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

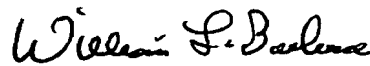
The Appeal Brief filed on 23 January 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)). *(See below)*
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Claim 70 is a means claim. Accordingly, Appellant's concise explanation of claim 70 (page 15-16 of the brief) does not contain any reference to the drawings.


WILLIAM BASHORE
PRIMARY EXAMINER

May 28, 2007